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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
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COMMISSION ON WATER RESOURCE MANAGEMENT

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CONSERVATION AND RESOURCES ENFORCEMENT
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref: OCCL:RB

CDUA HA-3878

Acceptance Date: 1/12/22

180 Day Expiration Date: 7/11/22

Steven S.C. Lim, Esq.
Carlsmith Ball, LLP
121 Waiānuenue Ave.
Hilo, HI 96720

Dear Mr. Lim,

**NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL
DETERMINATION**
Conservation District Use Application (CDUA) HA-3878
(Board Permit)

This acknowledges the receipt and acceptance for the processing of your client's CDUA for a Single-Family Residence (SFR) and related improvements located at 28-3426 Hawaii Belt Road, Mālamalama Iki, South Hilo, Island of Hawai'i, TMK (3) 2-8-012:028. The approximately 6.49-acre coastal property is in the Resource Subzone of the State Land Use Conservation District. The property is accessed from an A/C paved pull-out located on the makai side of Highway 19 (Hawaii Belt Road) near mile marker 12. Once off Highway 19, access to the property is over a .03-acre road access easement located on adjacent TMK (3) 2-8-012:029.

The applicant proposes to construct a 4,811 square feet, one-story SFR that will consist of 3-bedrooms and 3.5 baths, a kitchen, pantry, dining room, living room, and laundry room. The SFR interior's living area is proposed at approximately 3,018 square feet. The SFR includes a covered lanai area of approximately 711 square feet; an entry and landing of approximately 88 square feet; a 2-car enclosed garage and utility room of approximately 630 square feet; and a below grade swimming pool at approximately 364 square feet. Associated structures to support the SFR include a 6' x 6' wide shed set upon a 36 square foot concrete utility pad for a private well and pump system; two 12 square foot concrete utility pads, one for a generator and one for a propane tank; and a 6 square foot concrete pad for A/C compressors.

The proposed SFR will be off-grid and powered by a photovoltaic (PV) system and backup generator. A roof-top PV system will provide the electrical needs for the SFR. Telephone service will be connected to the SFR via an above ground telephone wire from a utility pole along Highway

19. Potable water will be provided by an on-site, private water well and pump system. An individual wastewater treatment system (IWS) comprised of a 120 square foot septic tank with a capacity for up to 1,000 gallons, and 390 square foot septic infiltration bed will provide wastewater disposal. The closest grading to the top of the pali will occur where the septic system will be excavated, which is approximately 80 feet from the top of the pali. Three shallow dry wells will handle drainage.

An approximately 1,575 linear feet, 4-foot-tall perimeter hog wire fence is proposed to secure the SFR. Proposed fencing will not have barbed wire. It will include an entry gate over the improved driveway which will be located along a portion of the southeast property boundary. As previously noted, access to this property is via the adjacent property, TMK 2-8-012:029, by means of a road access easement which generally follows the alignment of the old Cane Haul Road. While the applicant currently does not propose improvements to the gravel road on Parcel 29 (except vegetation clearing), they do propose improvements to the roadway segment within their property. Roadway improvements will include grading and installation of a concrete driveway up to a 16-foot width.

The proposed SFR site will be located near the property's center, at an elevation of approximately 149 feet above mean sea level and will be setback a minimum of 130 feet from the pali edge. The minimum setback exception from the pali is the proposed fence which will be 10 feet offset from the property's boundary along the pali (this will ensure a 10-foot walking area between the fence and the pali for fishing access). Land clearing and construction activities would occur over just under an acre, which includes approximately 484 square feet of shallow trenching for CATV/telephone.

The "Ladders" fishing site is located adjacent to the property, which is located on the makai (northeast) corner of the property. The applicant proposes to provide a 3 car (maximum) parking area, mauka of the driveway and entry gate, within the property for use by the Makahanaloa Fishing Association to access this fishing site. Pedestrian access to the "Ladders" fishing site would follow along (mauka-makai) the proposed fencing on the applicant's property and adjacent to Parcel 29 and then would continue along the makai portion towards the northeast. Additionally, the applicant proposes to install a maximum of 8 informational and warning signs to inform the public of the dangers of steep cliffs and that they are on private property.

Historically the property was used for commercial sugarcane cultivation which altered the original landscape and vegetation. Proposed landscaping will include 88% native planting and 12% ornamental planting. Landscaping will replace non-native vegetation near the SFR with native, Polynesian and non-invasive ornamental trees, groundcover and ferns, along with some fruit trees and a kitchen garden. The applicant will ensure that the existing native plants hala, naupaka, and neneleau are preserved. The plan also includes removal of various non-native trees—especially ironwood and fiddlewood—to stabilize the cliff, promote native vegetation, and open a view corridor to the north/northeast.

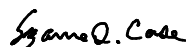
After reviewing the application, the department finds that:


1. The proposed use is an identified land use in the Resource subzone of the Conservation District, pursuant to the Hawaii Administrative Rules (HAR), 13-5. Please be advised, however, that this finding does not constitute approval of the proposal.
 - HAR, §13-5-24, R-7, **SINGLE FAMILY RESIDENCE**, (D-1) A single family residence that conforms to design standards as outlined in HAR, §13-5.
 - HAR, §13-5-23, L-2, **LANDSCAPING** (D-1) Landscaping (including clearing, grubbing, grading, and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of or more than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited.
 - HAR, §13-5-22, P-7, **SIGNS**, (B-1) Signs, including safety signs, danger signs, no trespassing signs, and other informational signs. No signs shall exceed twelve square feet in area and shall be non-illuminated. All signs shall be erected to be self-supporting and be less than or equal to eight feet above finished grade;
2. Pursuant to HAR, §13-5-4 (a) a public hearing will not be required;
3. In conformance with Hawaii Revised Statutes (HRS), 343, as amended, and HAR, 11-200.1, a finding of no significant impact to the environment (FONSI) was determined for the Final Environmental Assessment (FEA) which was published in the November 23, 2021 edition of the Environmental Review Program's (ERP) *The Environmental Notice*.

Please be informed that your responsibility includes complying with the provisions of Hawaii's Coastal Zone Management law (Chapter 205A, HRS) that pertain to the Special Management Area (SMA) requirements administered by the various counties. The County of Hawai'i determined that an SMA permit/approval is required. Please note that negative action by the Board of Land and Natural Resources (BLNR) on this application can be expected should you fail to obtain an SMA permit for the proposed development.

Upon completion of the application review process, the subject CDUA will be reviewed by the Board of Land and Natural Resources (Board) for consideration. The Board has the final authority to modify, grant, or deny permits. Should you have any questions, please feel free to contact Rachel Beasley at rachel.e.beasley@hawaii.gov or work cell (808) 798-6481.

Sincerely,



SUZANNE D. CASE, Chairperson 
Board of Land and Natural Resources

cc: Michael Nejfeld
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Hawaii Board Member
HDLO/DAR/CWRM/SHPD/DOFAW/DOCARE
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